

FARMINGTON CITY COUNCIL MEETING

Tuesday, May 18, 2010

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: *Mayor Scott Harbertson, Council members Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Max Forbush, City Finance Director Keith Johnson, and Recording Secretary Cynthia DeCoursey*

The budget work session began at 5:00 p.m. City Finance Director, **Keith Johnson**, reviewed the amended budget for the fiscal year ending June 30, 2010 which included the following categories:

1. General Fund Balance
2. Capital Expenditures Budget
3. Personnel Changes
4. Water Operations and Water Facilities Impact Fees
5. Storm Sewer Fund
6. Sweeper Truck Quotation
7. Sanitary Sewer and Garbage Funds
8. Cemetery Perpetual Fund
9. RDA for the US 89 Area
10. RDA for Station Park

{Council member **John Bilton** arrived at 5:40 p.m., and **Glenn Symes, David Petersen**, and **Paul Hirst** arrived at 6:00 p.m.}.

Mayor Harbertson began the regular work session at 6:20 p.m.

WATER RATE DISCUSSION (Agenda Item #17)

The **Mayor** welcomed **Jason Burningham** and **Matt Millis** from Lewis Young Robertson & Burningham, Inc. (LYRB) and requested that they give an overview of their water rate study. LYRB provided four alternative scenarios for the purpose of further water rate discussions:

- **Alternative 1:** Eliminate the peaking factor from the rate calculation.
- **Alternative 2:** Set Lagoon's Peak to be the same as residential.
- **Alternative 3:** Use the calculated residential rate, keep current commercial rates, Lagoon pays the remainder.
- **Alternative 4:** Residential and a combined Commercial/Lagoon user class.

In each of the previously listed scenarios, residential water rates have the highest cost per thousand gallons due to three key factors:

1. The City initiated a policy whereby the allocation of repair and replacement of City lines is applied solely to residential users.
2. Although the fire flow requirements for a home are generally lower on a per unit basis than commercial, the lesser demand per unit of residential compared with commercial raises the cost per thousand gallons.
3. The fixed costs of billing and meter maintenance per unit are higher than other user classifications within the City's system.

The Council discussed the four alternatives and also reviewed a handout titled "Water Costs for 8,000 Gallons" which compared Farmington's rates with other cities in the area, and the work session ended at 6:55 p.m.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott Harbertson, Council members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Max Forbush, Assistant City Planner Glenn Symes, City Engineer Paul Hirst, City Recorder Margy Lomax and Recording Secretary Cynthia DeCoursey

Mayor Harbertson opened the meeting at 7:00 p.m. and welcomed those in attendance, including Farmington Youth City Council member **Jordan Cattleman**. **Margy Lomax** offered the invocation, and the Pledge of Allegiance was led by **John Bilton**.

APPROVAL OF MINUTES OF PREVIOUS MEETING (Agenda Item #2)

Motion

Sid Young made a motion to approve the minutes of the May 4, 2010 City Council meeting. **Rick Dutson** seconded the motion, and it was unanimously approved.

"TREE CITY USA" PRESENTATION – SCOTT ZEIDLER, STATE LAND & FORESTRY (Agenda Item #3)

This agenda item was cancelled.

UTAH CHILD PROTECTION REGISTRY – CIERA PECARCIK (Agenda Item #4)

Ciera Pecarcik reviewed some of the events which took place during her reign as Miss Farmington. She said the Miss Utah pageant will be held June 14-19, 2010. She told the Council about a program the Miss Utah Organization has partnered with called the Utah Child Protection Registry. It is a free service to assist in protecting children against adult-oriented content on electronic devices. The link for the Registry is: www.donotcontact.utah.gov/missutah/missfarmington. **Mayor Harbertson** requested that the link be added to the City's website.

INTRODUCTION TO THE FAMILY CONNECTION CENTER – DANEEN ADAMS (Agenda Item #5)

Daneen Adams explained that the Family Connection Center is the community action program for Davis County and has locations in Bountiful, Layton and Clearfield. The Center focuses on two areas: (1) a community action program which includes the food bank, transitional housing and a counseling program; (2) a family support program which includes a crisis respite nursery. **Ms. Adams** asked for the City's support with a fundraiser at the Davis County Fair which offers \$2 off the parking fee for each two cans of food that are donated. The Center will also receive money back from the state, and Chevron will match the amount of money that is raised. The Council discussed the possibility of raising funds during Festival Days and of having the FYCC and/or the Miss Farmington pageant assist.

PLANNING COMMISSION REPORT (Agenda Item #6)

Craig Kartchner, Vice Chairman of the Planning Commission, reported on the meeting held May 13, 2010:

- The Commission approved the Preliminary Plat and the Final Plat for the Park Lane Commons subdivision located at approximately 500 North 1000 West.
- The Commission tabled a request from **Merrill Law** for a schematic subdivision plan for a proposed flag lot subdivision on property located 661 West 1400 North. The property owner requested additional time to research his options.
- The Commission approved a request from **Merrill Law** for a zoning change from A to LR on 1.68 acres of property located at 661 West 1400 North.
- The Commission approved a conditional use request from **Eric Malmberg** to add a driveway and curb cut for access to an RV pad on the side of his home located at 688 North 2050 West.

(PUBLIC HEARING): CONSIDERATION OF ORDINANCE ANNEXING 0.43 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1700 NORTH AND 1500

WEST/DESIGNATION OF ZONE ANNEXED AREA (GEORGE CLARK PROPERTY (A-1-10) (Agenda Item #7)

Background Information

Mayor Harbertson said the applicant requested an additional 30 days to review this item.

Public Hearing

Mayor Harbertson opened the public hearing at 7:25 p.m. There was no one to speak regarding this item, and the public hearing was closed.

Motion

Sid Young made a motion to continue this item until the July 6, 2010 City Council meeting. **Jim Talbot** seconded the motion, and it was unanimously approved.

(PUBLIC HEARING): CONSIDERATION OF ORDINANCE AMENDING (12-7-080(2)) AND (12-6-110) OF THE CITY'S ORDINANCE PROPOSING THE ELIMINATION OF PUBLIC UTILITY EASEMENTS ALONG REAR PROPERTY LINES EXCEPT WHEN NEEDED AND MAKING CERTAIN MINOR AMENDMENTS TO THE FINAL PLAT SUBMITTAL REQUIREMENTS (ZT-2-10) (Agenda Item #8)

Background Information

Glenn Symes said staff is proposing several minor amendments to the City's Subdivision Ordinance.

Public Hearing

Mayor Harbertson opened the public hearing 7:30 p.m. There was no one to speak regarding this item, and the public hearing was closed.

Motion

Cory Ritz made a motion to approve the Ordinance amending 12-7-080(2) and 12-6-110 of the City's Subdivision Ordinance proposing the elimination of public utility easements along rear property lines except when specifically needed and making certain minor amendments to the final plat submittal requirements (ZT-2-10). **Rick Dutson** seconded the motion, and it was unanimously approved.

(PUBLIC HEARING): CONSIDERATION OF AMENDMENTS TO THE ZONING ORDINANCE: UPDATE ZONES IN THE ANIMALS AND FOWL CHAPTER; INCREASE NUMBER OF STUDENTS A MUSIC OR DANCE TEACHER OR TUTOR MAY HAVE; RESTRICT PARKING IN A FRONT YARD SETBACK; AND INCREASE THE MINIMUM SQUARE FOOTAGE PERMITTED FOR NEW RESIDENTIAL CONSTRUCTION. (Agenda Item #9)

Mr. Symes said a request for a building permit submitted several months ago caused staff to research the City's minimum square footage ordinance. He explained that 850 square feet was the minimum standard for new residential housing prior to the early 1990s when the minimum size was raised to 1,200 square feet with a minimum of 900 square feet on the main floor--excluding garages, carports and porches. Staff's proposal is to revert back to the original standard because current standard home layouts usually include a front door and a long hallway directly adjacent to the garage with living space toward the rear of the home, and the current 1,200 square feet standard prohibits such a layout. He said the current ordinance specifies that the narrowest point of the main floor must be 20 feet, exclusive of the garage.

Public Hearing

Mayor Harbertson opened the public hearing at 7:35 p.m. There was no one to speak regarding this item, and the public hearing was closed. The Council discussed several issues related to the minimum square footage issue, including how the CC&Rs within a subdivision affect square footage, why the garage is not included in the minimum square footage, the types of homes which are standard at the current time, and the fact that smaller minimum square footages have the potential to depreciate home values.

Motion

Rick Dutson made a motion to adopt the following amendments to the Zoning Ordinance:

- Update zones in which certain animals may be permitted (11-29-103(3)(4));
- Update the number of students that music or dancing teachers or tutors may teach to eight and require a conditional use permit (11-35-103(12));
- Change the wording regarding parking in front yards to be consistent with other wording in the same chapter (11-32-103(5));
- Reduce the minimum square footage of dwellings to the previously adopted standard of 850 square feet (11-28-110).

The motion was seconded by **Jim Talbot**. Council members **Dutson, Ritz, Talbot, and Young** approved the motion; **John Bilton** did not approve.

Mr. Bilton said he was not comfortable with the amount of information that was given and requested that staff conduct additional research regarding the minimum square footage requirement.

CONSIDERATION OF FINAL PLAT APPROVAL FOR PARK LANE COMMONS SUBDIVISION LOCATED AT APPROXIMATELY 500 NORTH 1000 WEST (Agenda Item #10)

Mr. Symes said the Planning Commission recommended approval of a final plat for this subdivision at the May 13, 2010 meeting, and this action will record a buildable lot for the Park Lane Village apartment project and includes a small parcel for the Central Davis Sewer pump station.

Motion

John Bilton made a motion to approve the final plat for the Park Lane Commons Subdivision located at approximately 500 North 1000 West. The motion was seconded by **Sid Young**, and it was unanimously approved.

CONSIDERATION OF WELL DRILLING PROPOSAL, ENGINEERING SERVICES RELATED THERETO, PROPOSED SITE, PUBLIC NOTICE CONSIDERATION (Agenda Item #11)

Mr. Forbush referred to a proposal from CRS for exploratory drilling, design and construction of a new municipal supply well. The project will include three phases:

- Phase 1 will address all of the regulatory and site preparation requirements and provide a complete set of plans and specifications for drilling the well.
- Phase 2 will consist of well drilling and construction of the production well.
- Phase 3 will include design and construction of the well house, selection of pumping equipment, installation and commissioning.

The proposed location of the new well will be on City owned property adjacent to the Main Park. The estimated cost for the well is between \$1.232 and \$1.432 million and will be funded by impact fees.

Motion

Sid Young made a motion to authorize the City Manager and the City Engineer to move forward with the well proposal and the required public hearings at the Planning Commission and City Council levels, including those in the neighborhood where the proposed well is to be drilled. **Rick Dutson** seconded the motion, and it was approved by all Council members.

Several Council members said they have had numerous complaints from residents regarding notices which are sent out too late for them to be involved with the issues. They encouraged staff to send the notices out earlier than they have been sent at times in the past.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #12)

- Ratification of Construction & Storm Water Bond Agreements
- Approval of March's disbursement list
- Approval of Change Order #6 – Farmington City Hall contract with Hughes General Contractors
- Approval of Sidewalk Repair Agreements with Vincent Greenwood & Anthony Hopson

Motion

Rick Dutson made a motion to approve the items on the Summary Action List. The motion was seconded by **Jim Talbot**, and it was unanimously approved.

REVIEW OF GLEN LEONARD CONTRACT TO WRITE FARMINGTON CITY'S HISTORY (Agenda Item #13)

The **Mayor** asked for suggestions of residents who could be designated to serve on a draft review committee to assist with the manuscript as each chapter is completed. Several suggestions were made, and the City Manager agreed to include a notice in the newsletter for anyone who may be interested.

Motion

Jim Talbot made a motion to conceptually approve an extension of the Agreement with **Glen Leonard** to write Farmington City's History for two more years. The motion was seconded by **John Bilton**, and it was unanimously approved.

FINANCIAL ADVISORY CONTRACT WITH ZIONS BANK (Agenda Item #14)

Mayor Harbertson explained that Zions Bank has been Farmington City's financial advisor for approximately 20 years and said the City has had a very good relationship with them. The current three-year contract with Zions will be expiring soon, and Zions has drafted a new contract which will be five years in length with an increase in fees from \$8,000 to \$12,000 for financial advisory services provided in conjunction with the issuance of bonds or notes. He suggested that the City obtain an additional proposal to compare with the proposal from Zions Bank.

Motion

Jim Talbot made a motion to authorize the City's Finance Director, **Keith Johnson**, to prepare a request for a proposal to determine if any other companies would like to submit a bid. **John Bilton** seconded the motion, and it was unanimously approved.

RESOLUTION APPROVING INTERLOCAL COOPERATION AGREEMENT BETWEEN CITY AND DAVIS COUNTY RELATING TO CDBG PROGRAM FOR FISCAL YEARS 2011, 2012, AND 2013 (Agenda Item #15)

Mayor Harbertson informed the Council that Davis County has become eligible to receive federal funding for the Community Development Block Grant (CDBG) Program in the fiscal year 2011. This grant allows the County to assist low and moderate income residents in Davis County. There are two entitlement communities in Davis County—Layton and Clearfield—and they are not included in this new Urban County. The **Mayor** referred to Section 2 which is the statement of policy, and said it is one of the key points.

Motion

Rick Dutson made a motion to adopt the Resolution approving an Interlocal Cooperation Agreement between Farmington City and Davis County relating to the conduct of the CDBG Program for federal fiscal years 2011, 2012, and 2013 and successive three year periods afterward and statement of policies. **John Bilton** seconded the motion, and it was approved by all Council members.

RESOLUTION TO CLAIM UNUSED "RIGHTS TO BURIAL" IN THE FARMINGTON CITY CEMETERY (Agenda Item #16)

Mr. Forbush said staff recently did some research regarding burial sites in the City Cemetery. State law stipulates that when no burial, sale, or other activity has taken place on a burial site for 60 years, the City may reclaim those sites. He said the City reclaimed approximately 180 sites several years ago, and they would like permission to use this process again to reclaim some additional sites. The City will advertise the information in the newsletter, the Deseret News, and the Salt Lake Tribune. If there is no response within 30 days, the sites revert back to the City. He pointed out that the purchase of cemetery plots is the right for burial; it is not the purchase of real estate.

Motion

Cory Ritz made a motion to authorize the City to proceed with the proposal as it has been explained. **Jim Talbot** seconded the motion, and it was unanimously approved.

WATER RATE DISCUSSION (Agenda Item #17)

There was a lengthy discussion of this issue during the work session, and the Council decided to implement Alternative #1. A public hearing on the water rate proposal will be held at the June 15, 2010 Council meeting. (The attached table shows the proposed amendments).

Motion

Jim Talbot made a motion to approve Alternative 1 from the LYRB water study which will eliminate the peaking factor from the rate calculation. At the end of year one, the criteria and data will be evaluated. **Cory Ritz** seconded the motion, and it was approved by all Council members.

Mayor Harbertson asked **Mr. Forbush** to contact **David Freed** at Lagoon to inform him of the Council's decision.

CITY MANAGER REPORT (Agenda Item #18)

Max Forbush reported the following:

- The City has an ongoing lawsuit concerning the Willow Creek Subdivision and would like to resolve it this year. He and the City's Public Works Director, **Walt Hokanson**, met with representatives of Haskell Homes and **FJ Parker**, and one of the major challenges relates to the grade in the area which is less than 1% within 350 feet. A proposal was made to raise the southwest corner of the property which would increase the rapidity of the flow. **FJ Parker** agreed to the proposal, and the City will work with City Engineer **Paul Hirst** to complete a survey and to modify the Agreement. The City will bear the cost of this option.
- He gave an update of the flood plain issue related to the Bell Estates Subdivision. The Council listed a condition within the motion to require **Blake Matthews** to pay a fee of \$21,000 for past work done by Wilding Engineering. The City Attorney's advice was that the City should not hold the subdivision hostage and require the payment. **Mr. Matthews** will contribute money toward the bill as each building permit is obtained. **Mr. Forbush** said he will prepare the agreement and include it on the agenda of the next Council meeting.
- Several Council members have issues with the construction quality at the new City Hall building, and he requested that at least two members of the Council attend a tour of the building at 2:00 p.m. on Wednesday, May 19th to assist with future decisions. **Rick Dutson** and **Cory Ritz** both agreed to attend.
- The flagpole and lighting at the City Cemetery need to be upgraded, and the City has \$3,000 in the budget for this purpose. The Council discussed whether or not additional

money should be raised and if some of the services could be donated. They requested that staff work with **Neil Miller** to determine the type of additional amenities and a cost estimate and then ask **Sherm Hoskins** to assist in obtaining the required funds.

MAYOR AND CITY COUNCIL REPORTS - (Agenda Item #19)

Mayor Harbertson

- The **Mayor** asked for suggestions for a grand marshal during Festival Days, and several people were mentioned, including: **Joe Wilcox**, **Dave Connors**, and **Greg Bell**. **Sid Young** offered to check with **Steve Andersen** regarding a car for the City Council to use during the Parade.
- He referred to a letter regarding the UTA trail kiosk and said he thought the Council rejected the proposal. **Mr. Forbush** said the Council did reject it, but the agreement was rewritten, and it is acceptable.
- There is a Town Hall meeting scheduled for Wednesday, May 19. He and **John Bilton** will attend, and the topic of discussion will be water rates.
- He asked staff to make arrangements for the two Farmington City mothers of 2010 to ride in the Festival Days Parade and said they will be featured in the City's June newsletter.
- He expressed appreciation to **Jim Talbot** and **John Bilton** for their attendance at the boardwalk dedication.
- He and **Sid Young** attended the first Utah League of Cities and Towns meeting of the year.
- He met with **Jason Davis** regarding the submission of a proposal to involve the City with the SNAP plan. **Mr. Forbush** said it was the responsibility of the Knowlton School Community Council.
- He and **Mr. Forbush** met with **Leann Evans** and her family regarding their property and the proposed storm water easement and swoop which will intersect her property. It was a beneficial discussion; however, **Ms. Evans** was not ready to make a decision and asked for an additional 30 days to review possible proposals.
- He said a developer has expressed interest in the triangular-shaped piece of property on the south side of Clark Lane.

- He spoke with **Cody Hilton** of west Farmington who will serve on the committee for the West Davis Corridor and told him he was selected because of the useful information on his blog which assists in keeping residents informed. He said **Mr. Hilton** complimented the City Council and **Jim Talbot** and **John Bilton** for their representation on the West Davis Corridor issue and efforts concerning other west-side issues as well.

City Council Reports

Jim Talbot

- He said the area of notice involved when the City amends an ordinance is too restricted. Residents become irritated when they are not notified concerning a particular issue prior to the meeting. He requested that the current standard of 300 feet be increased to notify more people in areas which are less dense.
- He enjoyed the ribbon cutting ceremony at the bird refuge.
- He said he would like to see CenterCal offer some good news concerning their Station Park project. The **Mayor** said they are struggling to obtain tenants, and the Council discussed additional issues regarding Station Park.

Cory Ritz

- He attended the Mosquito Abatement District meeting regarding the CDA tax increment and said that Commissioner **John Petroff** spoke in favor of and voted in favor of Centerville's request for the CDA tax increment from the District. He was noncommittal on the County participation. The **Mayor** expressed his dismay of **Mr. Petroff's** vote and informed him that the developer of the Centerville project has been marketing his project and has offered lower prices to prospective Station Park tenants.
- He said there were a number of bicyclists who rode through Farmington last Saturday who ignored City rules. He requested that staff determine how other cities handle cycling events.

Sid Young

- He reviewed several aspects of the Policy Committee meeting and distributed a handout entitled Salient Economic Indicators for Utah Cities. He said **President Waddoups** was in attendance and reported several details from various meetings he has attended: (1) the sales tax level may not rebound until 2013 or 2014; (2) Utah may enact an immigration law similar to Arizona's law; (3) a "good landlord" program; and (4)

Counties are considering imposing an energy and use tax which they currently cannot do because it is competing with municipalities.

- He updated the Council regarding the City's opportunity to purchase property which will provide both a north and a south access to forest service property. He encouraged staff to prepare an agreement with **Jerry Stevenson** and to make a proposal on the **Doug Allen** property for a 15-foot wide road area. The City currently has approval from Benchland Irrigation, and **Mr. Forbush** said there is money in the fire fund to assist with the payment of this proposal and that he would prepare an agreement.

Rick Dutson

- He spoke with **Neil Miller** about the possibility of including chalk art during Festival Days.

John Bilton

- He asked if the City had received a response from UDOT regarding the repair work on bridges and drains. **Mr. Forbush** replied that UDOT replied and said they will not assist, so it is the City's responsibility.
- He asked for an update on the **Ron Martinez** lawsuit, and **Mr. Forbush** replied that the City provided all of the information which was requested, and they have not heard anything more.

ADJOURNMENT

Motion

Sid Young made a motion to adjourn the meeting. The motion was seconded by **John Bilton**, it was unanimously approved, and the meeting was adjourned at 9:15 p.m.

Margy Lomax, City Recorder
Farmington City Corporation

